

TOWN OF VINTON

APPLICATION FOR SPECIAL USE PERMIT

Applicant's name: _____ Phone: _____

Address: _____ Zip Code: _____

Date: _____ PC Date: _____ TC Date: _____

Owner's name: _____ Phone: _____

Address: _____ Zip Code: _____

Location of property: _____

Tax Map Number: _____ Zoning: _____

Size of parcel(s): _____ Existing land use: _____

_____ Future land use: _____

The Planning Commission will study special use permit request to determine the need and justification for the change in terms of public health, safety, and general welfare. Please answer the following questions as thoroughly as possible. Use additional space if necessary.

1. Describe briefly the type of use and improvements proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

2. Why does applicant believe the location of the use in question on the particular property is essential or desirable for the public convenience or welfare and will not be detrimental to the immediate neighborhood?

3. Please describe the impact(s) of the request on the property itself, the adjoining properties, and the surrounding area, as well as the impacts on public services and facilities, including water/sewer, roads, schools, parks/recreation, and fire/rescue.

4. Attach **Concept Plan** of the proposed project. Plan must be 8 1/2" x 11". Plan shall show boundaries and dimensions of property; location, widths, and names of all existing or platted streets within or adjacent to the development; all buildings, existing and proposed, dimension, floor area and heights; dimensions and location of all driveways, parking spaces and loading spaces; existing utilities (water, sewer) and connections at the site; landscaping and the like. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and if available, should be filed with application.

5. Please submit any proffered conditions at the site and show how they are addressed.

I hereby certify that I am the owner of the property or the owner's agent or contract purchaser and am acting with the knowledge and consent of the owner.

Owner's/Authorized Agent: _____

Sec. 7-24. Compliance with approved site plan.

(a) Periodic inspections shall be made during the installation of required on-site and off-site improvements by the zoning administrator and public works director or their designated representatives in order to determine compliance with approved site plans.

(b) The owner or developer shall be responsible for providing adequate supervision at the site during installation of required improvements. A copy of the approved site plan and construction plans shall be maintained at the site at all times work is being performed.

Sec. 7-25. Expiration of approved site plan.

An approved site plan shall be valid for a period of one year from the date of approval by the zoning administrator and shall become null and void if, within such period, work has not proceeded and no building permit pursuant thereto has been issued. In any case where an approved site plan has expired, the site plan may be resubmitted for review and approval in accordance with the provisions of this article.

Sec. 7-26. Appeals.

Any person aggrieved by any decision of the zoning administrator regarding a site plan may appeal such decision to the board of zoning appeals in accordance with the provisions of article IX of this appendix.

DIVISION 4. SPECIAL USES

Sec. 7-27. Intent of special use provisions.

Special use provisions are intended as a means for the town council, after review and recommendation by the planning commission, to authorize certain uses which, although generally appropriate in the district in which they are permitted, have potentially greater impacts on neighboring properties than uses which are permitted by right. The special use permit procedure provides the opportunity for the town council to review each proposed special use and impose such condi-

tions as reasonably necessary to ensure the use will be compatible with the surrounding area and consistent with the purposes of this appendix.

Sec. 7-28. Special use permit required.

(a) *When required.* A use indicated as permitted as a special use in article IV of this appendix shall be authorized only upon approval of a special use permit by the town council in accordance with the provisions of this article.

(b) *Relation to other permits.* Zoning permits, certificates of zoning compliance, site plans and other reviews and approvals required by this appendix are required for special uses in the same manner as for other uses. No zoning permit or certificate of zoning compliance for a special use or for a building devoted to a special use shall be issued unless a special use permit has been approved.

(c) *Existing uses.* A use lawfully existing at the effective date of this division which is specified as a special use in the district in which it is located and for which no special use permit has been approved shall not be considered a nonconforming use because of its classification as a special use. No zoning permit or certificate of zoning compliance involving expansion of such use or reconstruction, enlargement or moving a building devoted to such use shall be issued unless a special use permit is approved in accordance with this article.

Sec. 7-29. Application for special use permit.

(a) *Submission of applications.* Applications for special use permits shall be submitted to the zoning administrator and may be filed by the owner of the property or, with the written consent of the owner, the contract purchaser of the property or an agent of the owner.

(b) *Applicant's report.* Every application for a special use permit shall be accompanied by three copies of a report from the applicant describing the proposed special use and explaining the manner in which it complies with the requirements and standards of this division.

(c) *Content of plans.* Every application for a special use permit shall be accompanied by three copies of plans drawn to scale and showing the following:

- (1) Area, shape and dimensions of the property involved and existing and proposed street lines, easements, watercourses, drainage ways and floodplains.
- (2) Existing and proposed uses of land, buildings and structures, and the number and types of dwelling units on the property, where applicable.
- (3) Dimensions and heights of proposed buildings, structures or additions and existing buildings and structures to remain, and the dimensions of yards and setbacks with respect to property lines and existing and proposed street lines.
- (4) Elevation drawings of proposed buildings and structures and additions or modifications to the exterior of existing buildings and structures.
- (5) Existing and proposed driveways providing access to the site and the arrangement, dimensions and improvement of off-street parking and vehicular circulation areas.
- (6) Buffers, screening, fencing, major landscaping, pedestrian walkways and similar features, existing wooded areas, significant trees and other vegetated areas to be retained, location and improvement of trash receptacle areas and location, type, height and intensity of outdoor lighting, if provided.
- (7) Existing permanent signs to remain and proposed permanent signs, including location, lettering, dimensions, lighting, and means of attachment or support.

(d) *Waiver of plan elements or additional plans.* The zoning administrator may waive plan elements that are unnecessary to determine compliance with this appendix and may require such additional information as necessary to determine compliance with this appendix and to assist the

planning commission and town council in evaluating potential impacts of a proposed special use.

Sec. 7-30. Procedure for issuance of special use permits.

(a) *Review by zoning administrator.* The zoning administrator shall review each application for [a] special use permit and forward the application to the planning commission. At such time as requested by the commission, the zoning administrator shall submit to it a report indicating the manner in which the proposed special use complies or does not comply with the provisions of this appendix and any recommendations the zoning administrator may have regarding approval, disapproval or conditions to be attached.

(b) *Action by planning commission.* The planning commission shall review each special use permit application for compliance with the provisions of this appendix and shall provide a recommendation to the town council in accordance with the following:

- (1) The commission shall give notice and hold a public hearing as required by Code of Virginia, § 15.2-2204. A joint public hearing may be held with the town council.
- (2) After holding a public hearing, the commission may recommend approval or disapproval of the special use permit or that conditions be imposed to ensure compliance with requirements of this appendix. In making its recommendation, the commission shall consider at least the factors indicated in section 7-31 of this article.
- (3) Action by the commission shall be in the form of a motion, giving the reasons for its action and the vote of each member, and shall be recorded in the commission's records. Each recommendation to the council shall include a statement of the relationship of the proposed use to the comprehensive plan.
- (4) In any case where the commission is unable to adopt a motion to recommend approval or disapproval, it shall forward a

written report to the council stating such fact and summarizing its discussions on the matter.

- (5) Failure of the commission to provide a recommendation or report to council within 90 days of receiving the special use permit application shall be considered a recommendation of approval.

(c) *Action by town council.* The town council shall take action on each special use permit application in accordance with the following:

- (1) After receiving the recommendation of the planning commission, the town council shall give public notice as required by Code of Virginia, § 15.2-2204, and shall hold a public hearing. A joint public hearing may be held with the planning commission.
- (2) The town council may approve or disapprove the special use permit application and may impose conditions that it deems reasonable and necessary to ensure the special use will comply with the requirements of this appendix. Action of the town council shall be by resolution, which shall include the reasons for its action. Conditions imposed in connection with residential special use permits where affordable housing, as defined in Code of Virginia, § 15.2-2201, is proposed by the applicant shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the town council shall consider the impact of the conditions upon the affordability of housing.
- (3) The town council shall take action on the special use permit application within one year of the date of submission of the application. Failure of the council to act within such time shall be considered denial of the application.
- (4) The town council may require a guarantee or bond to ensure that conditions

imposed will be satisfied, and may specify a date for expiration of a special use permit as a condition of approval.

Sec. 7-31. General requirements for approval of special use permits.

A special use permit shall be approved by the town council only if it finds that the proposed special use and related plans:

- (a) Will not be contrary to the purposes of this appendix as stated in section 1-3;
- (b) Will not be in conflict with the objectives of the comprehensive plan for the town;
- (c) Conform with all applicable provisions of this article and all other applicable requirements of the district in which such use is located; and
- (d) Include satisfactory provision for or arrangement of the following, if applicable:
 - (1) Sewer, water and other public utilities;
 - (2) Ingress and egress, including access for fire and other emergency vehicles;
 - (3) Off-street parking and vehicular circulation, including safety of motorists and pedestrians;
 - (4) Yards, open spaces and other elements of the site plan;
 - (5) Retention of natural vegetation and topographic features; and
 - (6) Landscaping, buffers, screening, fences and other features to protect adjacent properties from potential adverse effects of the special use.

Sec. 7-32. Modifications or amendments to approved special use permits.

(a) *Minor modifications.* Minor modifications to approved plans or building details of an approved special use permit may be authorized by the zoning administrator when such modifications do not: Significantly alter the boundaries of the property; conflict with specific requirements of this appendix or conditions of the approved

special use permit; significantly decrease the width or depth of any yard, setback or buffer area; or significantly alter points of access to the property or the internal arrangement of site plan elements.

(b) *Change of substance; amendment.* Any change to an approved special use permit other than a minor modification as described in paragraph [subsection] (a) of this section shall require an amendment subject to the same procedures and requirements as a new application.

Sec. 7-33. Expiration of special use permits.

An approved special use permit shall become null and void if no application for a building permit to construct the authorized improvements has been submitted within one year of the date of approval by the town council. A special use permit for which no building permit is required shall become null and void if the use is not established within one year of the date of approval by the town council. The town council may specify a longer period in its approval of a special use permit.

Sec. 7-34. Discontinuance of special use permits.

A special use permit shall run with the land, provided that any use established pursuant to an approved special use permit shall not be reestablished if replaced by a different use or if discontinued for a period of two years or longer.

Sec. 7-35. Compliance with approved plans.

(a) *Violation of appendix.* Failure to comply with approved plans or conditions of a special use permit shall constitute a violation of this appendix.

(b) *Revocation.* Upon determination by the zoning administrator of any violation of a special use permit, such permit may be subject to revocation if the violation is not corrected within 90 days of written notice to the owner of the property by the zoning administrator. If the violation is not corrected within the specified time, and the zoning administrator is not satisfied that appropriate means are being taken to correct the violation, the town council shall have the authority to

revoke the special use permit after notice and hearing as provided by Code of Virginia, § 15.2-2204.

Sec. 7-36. Reconsideration.

Whenever a special use permit application is denied, substantially the same application shall not be considered again by the town council within one year from the date of denial.

Sec. 7-37. Appeals.

Appeals from any decision of the town council regarding a special use permit may be taken to the circuit court by any aggrieved party in accordance with the provisions of Code of Virginia, § 15.2-2286.

~~DIVISION 5. VIOLATIONS AND PENALTIES~~

~~Sec. 7-38. Notice of violation and order of remedy.~~

~~(a) *Notice and order.* Upon finding that any provision of this appendix is being violated, the zoning administrator shall notify in writing the person or persons responsible for such violation and order the remedy of conditions found to be in violation, including the discontinuance of illegal uses of land and buildings, the removal or bringing into compliance of illegal buildings, structures, additions and alterations, and the discontinuance of illegal work being done. Such notice shall specify the provision of this appendix that is being violated, the remedy necessary to correct the violation and a reasonable time period within which the violation shall be corrected.~~

~~(b) *Right to appeal.* Any written notice of a zoning violation or written order of the zoning administrator shall include a statement informing the recipient that he or she may have a right to appeal such notice or order to the board of zoning appeals within 30 days, and that the decision of the zoning administrator shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until such statement is given.~~